IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17510 of 2007(H)

PETITIONER:

BALAKRISHNAN O.K., S/O.KRISHNAN,
AGED 57 YEARS, OZHAKKANATTU HOUSE, MUDAVOOR P.O.,
MUVATTUPUZHA.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:
---

1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, COLLECTORATE, ERNAKULAM.

3. THE REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA.

4. THE TAHSILDAR, MUVATTUPUZHA.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

W.P(C) NO. 17510 OF 2007 - H

Dated this the 11th day of June, 2007

J U D G M E N T

Heard both sides.

2. The petitioner challenges Ext.P2 direction by the fourth respondent directing the petitioner to vacate the premises in question within 72 hours. The counsel for the petitioner submits that Ext.P2 direction has been issued without complying with the procedure prescribed under the Land Conservancy Act and Rules, in so far as before the said direction has been issued, the petitioner is entitled to a notice with chance to adduce evidence in support of his case.

3. I am satisfied that Ext.P2 is not a direction after complying with the procedure prescribed under the Land Conservancy Act and Rules. In the above circumstances, I direct that the petitioner shall not be evicted from the property in question except after issuing a notice as contemplated under the rules giving the petitioner an opportunity of being heard which shall include the opportunity to adduce evidence in support of his

case and pass a speaking order.

The writ petition is disposed of with the above direction.

S.SIRI JAGAN,
Judge

Mbs/